

### REMARKS

Claims 1, 2, 4-8 and 11-13 are pending. By this response, claims 1, 7 and 12 are amended, claim 10 canceled, and Claim 13 added. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

#### Allowable Subject Matter

Applicants appreciate the indication of claims 6 and 10-11 as containing allowable subject matter and would be allowable if rewritten in independent form to include limitations of their base claims and any intervening claims.

#### Prior Art Rejection

The Office Action rejects claims 1-2, 4-5, 7-8 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Herbst et al. (U.S. Patent No. 6,321,161) in view of Kirson (U.S. Patent No. 5,220,507). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, said route searching means researches the route to the destination in accordance with the setting results and said display means displays an updated list of guide points based on the researched route.

Claim 7 recites, *inter alia*, storing a selected storing a selected bypass setting in a memory for retrieval during route searching; and displaying an updated list of guide points based on the updated optimal route.

Claim 12 recites, *inter alia*, said route searcher performing an updated search of the optimal route based on the bypass setting and provides the updated optimal route to a display, where the display displays an updated list of guide points based on the updated optimal route.

Applicants note that claim 7 has been amended to include the features of allowable dependent claim 10. Applicants respectfully submit that claim 7 is now in condition for allowance.

Applicants respectfully submit that claims 1 and 12 are amended to include features similar to the amended feature of claim 7 regarding the display of an updated list and therefore should be allowable for the same reasons. However, Applicants provide the following arguments and respectfully submit that Herbst and Kirson fail to teach the above-noted amended feature of independent claims 1 and 12.

Herbst teaches a navigation system in which a route is calculated and broken down into segments based on geographic data, representation of roadways, intersections, etc. Calculation of the entire route is accomplished prior to commencing travel on the route. When traveling the route, at the end of each segment, the system within Herbst provide the deviation evaluation from the obtained route to the user. The system of Herbst also provides alternatives from the determined route at featured node points, which are locations at the end of each segment on the determined route. Therefore, the system of Herbst provides route deviation information based on a segment-by-segment basis. Further, the user must select which deviation route they desire to take, if any. See column 5, lines 4-35, column 6, column 7 and, column 10, lines 16 –30. Herbst, however, does not teach or suggest displaying an updated list of guide points based on an updated search if the optimal route or a researched route.

Kirson teaches a vehicle navigation apparatus that calculates a route between start and destination locations. The apparatus displays two different routes for the same start and destination point. The user then selects which of the two routes the apparatus is to use to provide the user with route guidance information. The selected route is then displayed. See column 2, line 57 – column 3, lines 67. Kirson does not teach or suggest the election of guide points for performing an updated search of an optimal route and displaying the updated list of guide points based on the updated optimal route or researched route.

Therefore, Applicants respectfully submit that neither Herbst or Kirson teach or suggest the above-noted features of independent claim 1 and claim 12.

Applicants respectfully submit that independent claims 1, 7 and 12 are now in condition for allowance. Applicants respectfully request that withdrawal of the rejections and allowance of the application.

### **CONCLUSION**

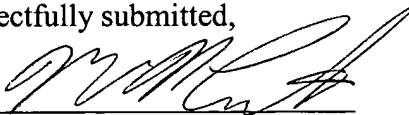
For at least these reasons, it is respectfully submitted that Claims 1, 2, 4-8 and 11-13 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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